

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13518 of 2014

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1. Tarkeshwar Prasad son of late Ram Janam Sah resident of Garhani, P.S. Charpokhari, District - Bhojpur.

.... Petitioner/s

Versus

1. Dinanath Sah
2. Bishwanath Sah @ Bishu Sah Both are sons of late Ganpat Sah
3. Santosh Kumar
4. Pramod Kumar Keshri Both are sons of late Baijnath Sah All resident of Garhani, P.S. Charpokhari, Distt. - Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 22-09-2016

Heard learned counsel for the petitioner.

The petitioner has filed this application assailing the impugned order passed by the learned District Judge refusing the prayer made on behalf of the petitioner for analogous hearing of the Title Suit No. 478 of 2007 filed by him along with Eviction Suit No. 03 of 2007 and Title Suit No. 66 of 2006.

From the facts as apparent from the materials on record and submissions on behalf of the petitioner, it is manifest that the Eviction Suit No. 03 of 2007 has been filed by the petitioner and Title Suit No. 66 of 2006 has been filed by the respondent against the petitioner as defendant. Both the eviction

suit as well as the title suit filed by the defendant has been clubbed together by order of this Court passed in C.W.J.C No. 7478 of 2011. It is also evincible from the impugned order that both the suits are at the argument stage. The petitioner, however, has prayed for analogous trial of his suit i.e. Title Suit No. 478 of 2007 which has been filed subsequent to the Title Suit No. 66 of 2006 by the respondents.

This Court does not find that any illegality or material irregularity has been committed by the learned court below in refusing the prayer made on behalf of the petitioner for analogous hearing of his suit along with the earlier suit filed by the defendant and eviction suit filed by the present petitioner himself. This Court, therefore, finds that the obvious purpose in making the aforesaid prayer by the petitioner was only to delay the disposal of the Eviction Suit No. 03 of 2007 and Title Suit No. 66 of 2006.

Ex consequenti, this Court is not inclined to interfere with the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.11.16
Transmission Date	N.A.